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NOTICE OF ALLOWANCE AND FEE(S) DUE

7590

11/17/2004

Phillips Electronics North America Corp
580 White Plain Rd
Tarrytown, NY 10591

EXAMINER

MOORE JR, MICHAEL J

ART UNIT

PAPER NUMBER

2666

DATE MAILED: 11/17/2004

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/741,977	12/20/2000	Octavius J. Morris	PHB 34,446	7981

TITLE OF INVENTION: METHOD AND APPARATUS FOR CONVERTING DATA STREAMS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1370	\$300	\$1670	02/17/2005

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHT. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THE STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (O) AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee Transmittal and pay the PUBLICATION FEE (if required) and twice the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/741,977	12/20/2000	Octavius J. Morris	PHB 34,446	7981
7590	11/17/2004		EXAMINER	
Phillips Electronics North America Corp 580 White Plain Rd Tarrytown, NY 10591				MOORE JR, MICHAEL J
		ART UNIT	PAPER NUMBER	
		2666		

DATE MAILED: 11/17/2004

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 1001 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 1001 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date of the CPA determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail**

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Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
(703) 746-4000**

or Fax

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7590 11/17/2004

Phillips Electronics North America Corp
580 White Plain Rd
Tarrytown, NY 10591

Note: A certificate of mailing can only be used for domestic mailings of Fee(s) Transmittal. This certificate cannot be used for any other accompany papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

(Depositor's name)

(Signature)

(D)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/741,977	12/20/2000	Octavius J. Morris	PHB 34,446	7981

TITLE OF INVENTION: METHOD AND APPARATUS FOR CONVERTING DATA STREAMS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
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nonprovisional	NO	\$1370	\$300	\$1670	02/17/2005
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EXAMINER	ART UNIT	CLASS-SUBCLASS
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MOORE JR, MICHAEL J	2666	370-392000
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1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
 "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 _____

2 _____

3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed in accordance as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): Individual Corporation or other private group entity Government

4a. The following fee(s) are enclosed:

4b. Payment of Fee(s):

Issue Fee
 Publication Fee (No small entity discount permitted)
 Advance Order - # of Copies _____

A check in the amount of the fee(s) is enclosed.
 Payment by credit card. Form PTO-2038 is attached.
 The Director is hereby authorized to charge the required fee(s), or credit any overpayment Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Notice of Allowability	Application No.	Applicant(s)
	09/741,977	MORRIS, OCTAVIUS J.
	Examiner Michael J. Moore, Jr.	Art Unit 2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to 12/20/2000.
2. The allowed claim(s) is/are 1-20.
3. The drawings filed on 20 December 2000 are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 12/20/00, 5/30/01
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.


FRANK DUONG
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael Belk (Reg. No. 33,357) on 11/5/2004.

The application has been amended as follows:

In claim 1, on line 7, replace word "stream" with --streams--. Also, on line 30, replace phrase "said output signal" with --said output data stream--.

In claims 2-18, on line 1, replace phrase "A method" with --The method--.

In claim 4, on line 1, replace word "the" before word "data" with --a--.

In claim 8, on line 4, replace word "the" before word "time" with --a--. Also, on line 5, replace word "the" before both words "largest" and "lowest" with --a--.

In claim 20, on line 1, replace phrase "An apparatus" with --The apparatus--.

In the specification, on page 8, lines 13-14 delete phrase "Information about the MPEG-2 system is available online at <http://www.mpeg.org>". Lastly, on page 12, line 29, replace word "conversation" with --conversion--.

Allowable Subject Matter

2. Claims 1-20 are allowed.
3. The following is an examiner's statement of reasons for allowance:

Regarding claim 1, Shiokawa et al. (U.S. 2004/0136696) teaches a video/audio recording apparatus where an incoming transport stream (TS) is converted to program stream format (PS). Referring to Figure 1, the incoming transport stream is first demultiplexed into PES-V and PES-A streams and then demultiplexed further into elementary audio and video streams ES-V and ES-A. These elementary streams are then remultiplexed into PS format and forwarded to a recording medium. Shiokawa et al. fails to teach the use of separate video and audio payload queues prior to remultiplexing. Shiokawa et al. also fails to teach determining a valid PS schedule for remultiplexing the payload data from the queues in accordance with a PS target decoder model.

Regarding claims 2-20, these claims are all further limiting to claim 1 and are thus also allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shiokawa et al. (U.S. 2004/0136696), Anderson et al. (U.S. 6,275,507), Sanami (U.S. 6,014,368), Na et al. (U.S. 6,504,996), Tozaki et al. (U.S. 6,567,409), Tiernan et al. (U.S. 6,172,988), and Yanagihara et al. (U.S. 6,211,800) are all references that contain material pertinent to this application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Moore, Jr. whose telephone number is (571) 272-3168. The examiner can normally be reached on Monday-Friday (8:30am - 5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao can be reached at (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael J. Moore, Jr.
Examiner
Art Unit 2666

mjm MM



FRANK DUONG
PRIMARY EXAMINER

Examiner-Initiated Interview Summary	Application No.	Applicant(s)	
	09/741,977	MORRIS, OCTAVIUS J.	

All Participants:

Status of Application: New

(1) Michael J. Moore, Jr.

(3) _____.

(2) Michael Belk (Reg. No. 33,357).

(4) _____.

Date of Interview: 5 November 2004

Time: 9:30AM

Type of Interview:

Telephonic
 Video Conference
 Personal (Copy given to: Applicant Applicant's representative)

Exhibit Shown or Demonstrated: Yes No

If Yes, provide a brief description:

Part I.

Rejection(s) discussed:

Claims discussed:

Claims 1-20 were discussed.

Prior art documents discussed:

Part II.

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

Minor changes to claims 1-20 as well as the specification were discussed with Michael Belk (Reg. No. 33,357) and are provided in the attached Examiner's Amendment.

Part III.

It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.
 It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

Michael J. Moore, Jr.

(Examiner/SPE Signature)

(Applicant/Applicant's Representative Signature – if appropriate)



Sheet 1 of 1

Form PTO-1 (REV. 7-80) <i>PTENT & TRADEMARK OFFICE</i> U.S. DEPARTMENT OF COMMERCE		Atty. Docket No. PHB 34,446	Serial No. 09/741,977
		Applicant OCTAVIUS J. MORRIS	
		Filing Date DECEMBER 20, 2000	Group 266
INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)			
U.S. PATENT DOCUMENTS			

Ex. Int		Document Number	Date	Name	Class	Sub-class	Filing Date If Approp.
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						

	FOREIGN PATENT DOCUMENTS										Trans.						
	Document Number												Date	Country	Class	Sub-class	
	MM	AG	0	9	2	6	9	0	3	A	1	6/1999	EUROPE	HO4N	9/804	✓	
	MM	AH	0	8	4	7	1	9	8	A	1	6/1998	EUROPE	HO4N	5/92	✓	
	AI																
	AJ																
	AK																

OTHER (Including Author, Title, Date, Pertinent Pages, Etc.)

AL	
AM	
AN	

Examiner *Michael J. More, Jr.* Date Considered *11/3/04*

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with M 609; Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

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Form PTO-1449 U.S. DEPARTMENT OF COMMERCE
(REV. 7-80) PATENT AND TRADEMARK OFFICEAtty. Docket No. Serial No.
PHB 34,446Applicant
OCTAVIUS J. MORRISFiling Date
CONCURRENTLYJC654 U.S.
09/74/97

12/20/00

INFORMATION DISCLOSURE CITATION
(Use several sheets if necessary)

U.S. PATENT DOCUMENTS

Ex. Int.		Document Number		Date		Name		Class	Sub-class	Filing Date If Approp.
	AA									
	AB									
	AC									
	AD									
	AE									
	AF									

FOREIGN PATENT DOCUMENTS

			Document Number								Date	Country	Class	Sub-class	Trans.	
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MM	AG	0	8	3	3	5	1	4	A	2	4/1998	EUROPE	HO4N	7/24		
MM	AH	W	0	9	9	2	0	0	4	5	4/1999	PCT (WORLD)	HO4N	5/783		
MM	AI	1	0	2	4	3	3	9	4	A	9/1998	JAPAN (Abstract)	HO4N	7/24		
	AJ															
	AK															

OTHER (Including Author, Title, Date, Pertinent Pages, Etc.)

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AN		

Examiner Michael J. Morris, Jr. Date Considered 11/3/04

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Draw line through citation if not in conformance and not considered. Include a copy
this form with next communication to applicant.

Notice of References Cited		Application/Control No.	Applicant(s)/Patent Under Reexamination	
		09/741,977	MORRIS, OCTAVIUS J.	
Examiner		Art Unit		Page 1 of 1
Michael J. Moore, Jr.		2666		

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-2004/0136696 A1	07-2004	Shiokawa et al.	386/098
	B	US-6,275,507 B1	08-2001	Anderson et al.	370/487
	C	US-6,014,368 A	01-2000	Sanami, Jun	370/242
	D	US-6,504,996 B1	01-2003	Na et al.	386/125
	E	US-6,567,409 B1	05-2003	Tozaki et al.	370/395.64
	F	US-6,172,988 B1	01-2001	Tiernan et al.	370/473
	G	US-6,211,800 B1	04-2001	Yanagihara et al.	341/50
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
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	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.